

ESTTA Tracking number: **ESTTA676677**Filing date: **06/05/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	StrongVolt, Inc.		
Entity	Corporation	Citizenship	California
Address	3930 Oregon Street San Diego, CA 92104 UNITED STATES		
Attorney information	Charles F. Reidelbach, Jr. Higgs Fletcher & Mack LLP 401 West A Street, Suite 2600 San Diego, CA 92101 UNITED STATES trademarks@higgslaw.com Phone:619-236-1551		

**Registration Subject to Cancellation**

Registration No	3798681	Registration date	06/08/2010
Registrant	Ghomeshi, Matey Michael PO Box 95 Ontario, CA 917628095 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 009. First Use: 2003/01/16 First Use In Commerce: 2003/01/16

Cancelled goods and services in the class: Audio speakers for computers; portable electronic devices for recording, organizing, transmitting, manipulating and reviewing text, data, image and audio files; audio-video media players for automobiles; audio and video recorders; digital video and event recorders that activate from automotive impact; transmitters for video signals for transmission over twisted pair cables

**Grounds for Cancellation**

Other	Void based on non-use
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Attachments	Petition for Cancellation of MOBILEBLACKBOX.pdf(122472 bytes ) Exhibit A - MOBILEBLACKBOX Registration.pdf(573723 bytes ) Exhibit B - BLKBOX Application.pdf(44452 bytes )
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**Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/charlesfreidelbachjr/
Name	Charles F. Reidelbach, Jr.
Date	06/05/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

StrongVolt, Inc.

Petitioner,

-against-

Matey Michael Ghomeshi

Registrant.

Cancellation No.:

Regarding Reg. No. 3798681

**PETITION FOR CANCELLATION**

StrongVolt, Inc. (“Petitioner”), a California corporation located at 3930 Oregon Street, San Diego, California 92104, believes that it is being damaged by Registration No. 3798681 and hereby petitions to cancel same as to the following goods in International Class 009: “audio speakers for computers; portable electronic devices for recording, organizing, transmitting, manipulating and reviewing text, data, image and audio files; audio-video media players for automobiles; audio and video recorders; digital video and event recorders that activate from automotive impact; transmitters for video signals for transmission over twisted pair cables,” on the following grounds:

1. Upon information and belief, Matey Michael Ghomeshi ("Registrant"), an individual with an address of P.O. Box 95 Ontario, California 91762-8095, is the owner of United States Trademark Registration No. 3798681 for MOBILEBLACKBOX and Design for use in connection with “audio speakers for computers; portable electronic devices for recording, organizing, transmitting, manipulating and reviewing text, data, image and audio files; audio-video media players for automobiles; audio and video recorders; digital video and event recorders that activate from automotive impact; analog and digital audio signal transmitters; transmitters for video signals for transmission over twisted pair cables” in International Class 009 alleging dates of first use of January 16, 2003 (the “‘681 Registration”). *See* Exhibit A.

2. Petitioner is the owner of United States Trademark Application No. 86312338 for BLKBOX in International Class 009 for “cell phone battery chargers; solar battery chargers; stand-alone audio speakers; carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, stand-alone speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, cell phones, tablets and MP3 players” (the “‘338 Application”). *See* Exhibit B. Petitioner hereby gives notice that, in accordance with Trademark Rule 2.122(d), it will rely on said application as evidence on its behalf in this proceeding, and status copies thereof will be introduced into evidence during Petitioner’s testimony period.

3. Petitioner’s BLKBOX trademark is inherently distinctive as used in connection with its goods.

4. Petitioner’s BLKBOX trademark has been actively and continuously used in connection with such goods since at least as early as January 1, 2013. As a result of Petitioner’s active use, promotion, and advertising of its trademark in connection with all of the described goods, Petitioner’s BLKBOX trademark has acquired extensive value and goodwill and is well known and recognized by consumers and the trade as identifying Petitioner’s goods.

5. Based on likelihood of confusion, the ‘681 Registration has been cited as a bar to registration of Petitioner’s ‘338 Application by the USPTO. The Examiner has stated that Registrant’s mark is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Registrant with Petitioner, or as to the origin, sponsorship, or approval of Registrant’s goods or commercial activities with Petitioner.

6. Upon information and belief, Registrant did not use the trademark on each and every good recited in its ‘681 Registration within the meaning of “use in commerce” in the Trademark Act, 15 U.S.C. 1051 and 1127. Registrant’s business is and was at the time of filing the ‘681 Registration limited to the sale of FM transmitters which may be properly described only as “analog and digital audio signal transmitter[s].” Specifically, Registrant has not used the trademark in its ‘681 Registration in United States commerce in conjunction with the following


goods: “audio speakers for computers; portable electronic devices for recording, organizing, transmitting, manipulating and reviewing text, data, image and audio files; audio-video media players for automobiles; audio and video recorders; digital video and event recorders that activate from automotive impact; transmitters for video signals for transmission over twisted pair cables” since its alleged dates of first use of January 16, 2003, or even since the filing of its trademark application for the ‘681 Registration on August 3, 2009. Accordingly, the ‘866 Registration is void in its entirety, or at least with respect to the goods described above.

7. If Registrant is permitted to continue to maintain its ‘681 Registration for the recited goods, it casts a cloud upon Petitioner’s own right to continue to use, protect, develop and to expand the use of Petitioner’s BLKBOX trademark in the United States. Such registration is thus a source of damage and injury to Petitioner.

**WHEREFORE**, Petitioner believes that it will be damaged by Registration No. 3798681 and prays that this Petition for Cancellation be sustained in favor of Petitioner, that judgment be entered against Registrant and that U.S. Trademark Registration No. 3798681 be canceled with respect to the recited goods as identified above.

DATED: June 5, 2015

HIGGS, FLETCHER & MACK LLP



By: \_\_\_\_\_

Charles F. Reidelbach, Jr., Esq.  
California State Bar No. 167482  
Michael J. Hoisington, Esq.  
California State Bar No. 201679  
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San Diego, CA 92101-7910  
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Email: trademarks@higglaw.com  
ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITION FOR CANCELLATION was served on June 5, 2015 to Registrant Matey Michael Ghomeshi as follows:

Via Email: [mg@mobileblackbox.com](mailto:mg@mobileblackbox.com)

Via First Class Mail: P.O. Box 95  
Ontario, California 91762-8095

Dated: June 5, 2015

By:

A handwritten signature in black ink, appearing to read "Meilani N. Rivera", written over a horizontal line.

Meilani N. Rivera, Paralegal

# **EXHIBIT A**

# United States of America

United States Patent and Trademark Office



**Reg. No. 3,798,681**

**Registered June 8, 2010**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

GHOMESHI, MATEY MICHAEL (UNITED STATES INDIVIDUAL)  
PO BOX 95  
ONTARIO, CA 917628095

FOR: AUDIO SPEAKERS FOR COMPUTERS; PORTABLE ELECTRONIC DEVICES FOR RECORDING, ORGANIZING, TRANSMITTING, MANIPULATING AND REVIEWING TEXT, DATA, IMAGE AND AUDIO FILES; AUDIO-VIDEO MEDIA PLAYERS FOR AUTOMOBILES; AUDIO AND VIDEO RECORDERS; DIGITAL VIDEO AND EVENT RECORDERS THAT ACTIVATE FROM AUTOMOTIVE IMPACT; ANALOG AND DIGITAL AUDIO SIGNAL TRANSMITTERS; TRANSMITTERS FOR VIDEO SIGNALS FOR TRANSMISSION OVER TWISTED PAIR CABLES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-16-2003; IN COMMERCE 1-16-2003.

THE MARK CONSISTS OF A SPEAKER ICON WITH THE STYLIZED TEXT "MOBILEBLACK-BOX".

SER. NO. 77-795,985, FILED 8-3-2009.

IRA J. GOODSaid, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office



# **EXHIBIT B**

**Generated on:** This page was generated by TSDR on 2015-06-05 16:30:00 EDT

**Mark:** BLKBOX

BLKBOX

**US Serial Number:** 86312338

**Application Filing Date:** Jun. 17, 2014

**Register:** Principal

**Mark Type:** Trademark

**Status:** A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

**Status Date:** Apr. 17, 2015

## Mark Information

**Mark Literal Elements:** BLKBOX

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Cell phone battery chargers; Solar battery chargers; Stand-alone audio speakers; Carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, stand-alone speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, cell phones, tablets and MP3 players

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jan. 01, 2013

**Use in Commerce:** Jan. 01, 2013

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** Strongvolt Inc

**Owner Address:** Suite 210  
3930 Oregon St  
San Diego, CALIFORNIA 92104  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CALIFORNIA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Charles F. Reidelbach, Jr.

**Docket Number:** 110794-00002

**Attorney Primary Email Address:** [trademarks@higgslaw.com](mailto:trademarks@higgslaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent:** Charles F. Reidelbach, Jr.

**Name/Address:** Higgs Fletcher & Mack LLP  
401 West A Street, Suite 2600  
San Diego, CALIFORNIA 92101  
UNITED STATES

**Phone:** 619-236-1551

**Fax:** 619-696-1410

**Correspondent e-mail:** [trademarks@higgslaw.com](mailto:trademarks@higgslaw.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Apr. 17, 2015	NOTIFICATION OF FINAL REFUSAL EMAILED	
Apr. 17, 2015	FINAL REFUSAL E-MAILED	
Apr. 17, 2015	FINAL REFUSAL WRITTEN	77966
Mar. 24, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 24, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 24, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 25, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 25, 2014	NON-FINAL ACTION E-MAILED	6325
Sep. 25, 2014	NON-FINAL ACTION WRITTEN	77966
Sep. 24, 2014	ASSIGNED TO EXAMINER	77966
Aug. 27, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 27, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 26, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Jun. 25, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 20, 2014	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** MAYES, LAURIE ANN

**Law Office Assigned:** LAW OFFICE 101

### File Location

**Current Location:** TMEG LAW OFFICE 101 - EXAMINING  
ATTORNEY ASSIGNED

**Date in Location:** Apr. 17, 2015